



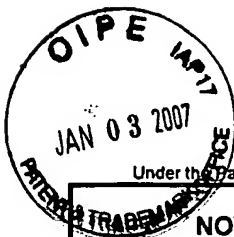
<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		<b>Complete if Known</b>	
		Application Number	10/612,125
		Filing Date	July 2, 2003
		First Named Inventor	Kueny
		Art Unit	2612
Examiner Name		Misleh, Justin P.	
Total Number of Pages In This Submission	3	Attorney Docket Number	946959600013

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input checked="" type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> After Allowance Communication to Group	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Inquiry <input checked="" type="checkbox"/> Return Receipt Postcard <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Notice of Appeal Letter
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Rudolph J. Buchel Jr. (Reg. No. 43,448) <b>Rudolph J. Buchel, Jr., P.C.</b> P.O. Box 702526 Dallas, Texas 75370-2526
Signature	
Date	December 28, 2006

CERTIFICATION OF TRANSMISSION	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.	
Typed or printed name	Rudolph J. Buchel Jr.
Signature	Date December 28, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



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PTO/SB/31 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**NOTICE OF APPEAL FROM THE EXAMINER TO  
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Docket Number (Optional)

946959600013

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Signature

Typed or printed name

Rudolph J Buchel, Jr.

In re Application of

Kueny

Application Number  
10/612,125

Filed  
July 02, 2003

For Apparatus and Method for Enhancing Dynamic Range of Charge Coupled Device-Based Spectrograph

Art Unit

2622

Examiner

Misleh, Justin P.

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 41.20(b)(1))

\$ 500.00

☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 250.00

☒ A check in the amount of the fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 50-3328. I have enclosed a duplicate copy of this sheet.

☐ A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record.  
Registration number 43,488

☐ attorney or agent acting under 37 CFR 1.34.  
Registration number if acting under 37 CFR 1.34. \_\_\_\_\_

Signature

Rudolph J Buchel, Jr.

Typed or printed name

972 930-9449

Telephone number

December 28, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

01/04/2007 CNEGA1 00000017 10612125

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250.00 UP

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/612,125  
Applicant : Kueny  
Filed : July 2, 2003  
TC/AU : 2612  
Examiner : Misleh, Justin P.  
Docket Number : 946959600013  
Customer No. : 41498  
Re : Apparatus and Method for Enhancing Dynamic Range of Charge Coupled Device-Based Spectrograph

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Letter Regarding Notice of Appeal and Extension of Time**

Sir:

In response to the Office Action dated **June 28, 2006**, please find a Notice of Appeal enclosed herein.

No fees are believed to be necessary at this time other than for the Notice of Appeal, which is enclosed. However, in the event that any fees are required for the prosecution of this application, please charge the fees to account number **50-3328** in the account name of **Rudolph J. Buchel, Jr., PC**. A three-month extension of time has been filed and no other extension of time is believed necessary. If, however, an extension of time is needed, the extension is requested. Please charge the fees for an extension of time to account number **50-3328** in the account name of **Rudolph J. Buchel, Jr., PC**.

Respectfully submitted,

DATE: December 28, 2006

Rudolph J. Buchel, Jr.  
Reg. No. 43,448

**Rudolph J. Buchel, Jr., PC**

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**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8(A)**

I hereby certify this correspondence, paper and/or fee is being deposited with the United States Postal Service as "First Class Mail" to addressee under 37 C.F.R. 1.8(a) in an envelope addressed to: Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450.

on December 28, 2006

by

Rudolph J. Buchel, Jr.